

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re application of:

Dean Tan, et al.

Serial No.: 09/873,061

Filed: May 31, 2001

For: TECHNIQUES FOR AUTOMATICALLY  
DEVELOPING A WEB SITE

Confirmation No.: 4009

Group Art Unit No.: 2163

Examiner: Marie G. Cabucos

MS Appeal Brief-Patents  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**REPLY BRIEF**

Sir:

This Reply Brief is submitted in response to the Examiner's Answer mailed on  
January 7, 2009.

In the Answer, the Examiner cites Underwood's col. 46, lines 1-43. This portion of Underwood discusses the "DXC," on which the Appellants generously commented in the Appeal Brief. In the Appeal Brief, the Appellants demonstrated that a DXC was a component that could be serialized as XML and embedded into a web page. The Examiner now notes that a DXC also may represent a "pre-existing" web page itself. The Appellants do not contest this assertion, but the Appellants also note that this assertion does not lead to

the conclusion that a DXC represents a site map or any “document that specifies the structure of a multi-page web site” or that specifies “(a) **relationships between web pages** [plural] of the multi-page web site, and (b) the structure and content of the **pages** [plural] of the multi-page web site.” The fact that one web page may be embedded within another does not thereby cause the embedding page to specify relationships between web pages of a multi-page web site. By embedding a pre-existing web page into another, Underwood’s approach merely modifies and adds to the content of the embedding page alone; nothing more. One would then build a multi-page web site using a structure specified in the embedding web page.

The Examiner’s Answer once again emphasizes that Underwood discloses a site map. The Appellants recognize this fact. The Examiner then also contends that web content sections or pages can be expressed in XML. The Appellants also recognize this fact. However, Underwood does not appear to disclose, expressly, that the site map is ever stored in an XML file (particularly, not one from which a multi-page XML site is automatically built), and the notion that Underwood’s site map is stored in an XML file does not logically follow from the facts recognized above.

The Examiner argues that it was well known in the technological art that web content sections/pages or sites can be stored in XML. The Appellants do not contest that web content **sections** and **individual pages** can be represented in XML. However, the Appellants

**do** contest the Examiner's assertion that it was well known in the art to store a representation of an entire web site's structure, where that structure indicates relationships between the pages of that web site, in an XML file. Underwood, which is the only evidence upon which the Examiner relies, shows a site map that is displayed to a user at the time of web site editing, but the Examiner still has not cited any part of Underwood that expressly states that the site map is stored in an XML file that is then used to build a multi-page web site automatically (the DXCs pertain to **individual** pages and components thereof). The fact that the site map is displayed to a user does not infer this; Underwood's Definer shows a site map for the benefit of the user who is editing the pages of the web site, but this does not mean that the site map is then stored in an XML file which is subsequently used to generate the web site.

The Appellants do not care to take the Examiner's word that it was well known in the art to store a site map as an XML file and then automatically build a multi-page web site based on the contents of such an XML file. Even if the site map is presented, at site-editing time, in a web page to a user, and even if the web page that contains the site map is represented in XML, it does not logically follow that such a web page would be stored and that the stored contents thereof would be used to build the web site automatically. Such a web page, even if constructed in XML, would not necessarily serve any purpose other than to show the various existing pages of the web site to a user at edit-time. The Appellants would

hope that if it was so well known to do what the Examiner alleges, that the Examiner would produce some evidence that expressly stated this. Underwood does not.

The Examiner's Answer newly cites col. 38, line 50 through col. 40, line 3 of Underwood in support of the rejection of Claim 57 specifically. In view of this portion of Underwood, which previous rejections of Claim 57 did **not** cite (the Final Office Action cited only Figures 1 and 2 and columns 11-13 of the voluminous 58-column, 117-page reference in support of the rejection of Claim 57), the Appellants respectfully withdraw their arguments presented in Subsection B of Section VII of the Appeal Brief. However, the Appellants maintain that Claim 57 remains patentable over Underwood due at least to its dependence from Claim 54.

Appellants respectfully request that the Honorable Board **reverse** the rejections of Claims 54-58.

Respectfully submitted,

HICKMAN PALERMO TRUONG & BECKER LLP

/ChristianANicholes#50266/

Christian A. Nicholes

Registration No. 50,266

Date: March 5, 2009

2055 Gateway Place, Suite 550  
San Jose, California 95110-1089  
Tel: (408) 414-1224  
Fax: (408) 414-1076